

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 15 MAY 2001

WIPO PCT

Applicant's or agent's file reference 7940/JB	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US00/03227	International filing date (day/month/year) 08/02/2000	Priority date (day/month/year) 08/02/1999
International Patent Classification (IPC) or national classification and IPC C11D3/386		
Applicant THE PROCTER & GAMBLE COMPANY et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.


2. This REPORT consists of a total of 5 sheets, including this cover sheet.

- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☒ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand 17/07/2000	Date of completion of this report 11.05.2001
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Pfannenstein, H Telephone No. +49 89 2399 8217



INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/US00/03227

I. Basis of this report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, pages:

1-17 as originally filed

Claims, No.:

1-9 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/US00/03227

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	
	No:	Claims	1-9
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1-9
Industrial applicability (IA)	Yes:	Claims	1-9
	No:	Claims	

2. Citations and explanations
see separate sheet

VI. Certain documents cited

1. Certain published documents (Rule 70.10)

and / or

2. Non-written disclosures (Rule 70.9)

see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:
see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:
see separate sheet

**WRITTEN OPINION
SEPARATE SHEET**

International application No. PCT/US00/03227

Re Item V

- 1) WO-A-9828393 (examples 1E,F, 2F,H,J, claims, pages 36-37), cited in the application exemplifies liquid manual dishwashing compositions comprising amylase, suds booster and diamine. The pH is 8-12. Thus the subject-matter of claims 1-9 is not novel.
- 2) WO-A-9732961 (examples 15-16, 8 page 51) and WO-A-9901531 (examples 4, 6, page 50) exemplify liquid manual dishwashing compositions comprising amylase, suds booster and grease removal agents (Mg²⁺, surfactant, ethanol). The pH is 9, 1-10-11, 7. Thus the subject-matter of claims 1-3, 6, 8-9 is not novel.

Re Item VI

Certain published documents (Rule 70.10)

Application No Patent No	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
WO-A-9927054	3.6.99 21.11.97	20.11.98	

WO (tables II, IV, V, claims, page 38) describes the subject-matter of claims 1-9.

Re Item VII

- 1) The application and serial numbers on pages 3, 4, 8, 10, 14, 16 should be substituted by the publication numbers.

Re Item VIII

- 1) Claim 1 does not meet the requirements of Article 6 PCT in that the matter for which protection is sought is not clearly defined. By the terms suds booster and greasy soil removal the claim attempts to define the subject-matter in terms of the result to be achieved which merely amounts to a statement of the underlying problem. The technical features necessary for achieving this result should be

added, see e.g. pages 10,13,14.

- 2) The term suds booster in claim 1 is not clear. According to page 14 it is a suds stabilizing surfactant or suds stabilizer.
- 3) It is clear from page 7 that 5-90% surfactant should be present. Since independent claim 1 does not contain this feature it does not meet the requirement following from Article 6 PCT taken in combination with Rule 6.3(b) PCT that any independent claim must contain all the technical features essential to the definition of the invention.
- 4) Claim 5 can only be dependent on claim 4.
Claim 7 can only be dependent on claims 4-5.
- 5) The term Jeffamine EDR in claim 7 and appearing to be a registered trade mark or trade name has no precise meaning as it is not internationally accepted as a standard descriptive term, thereby rendering the definition of the subject-matter of this claim unclear, a more precise term from e.g. page 12 should be added.
- 6) According to pages 8-9 the term amphoteric relates preferably to amine oxide surfactants. However, they are not amphoteric; they are usually regarded as semi polar surfactants or nonionic surfactants. Thus claim 7 is not clear.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 7940/JB	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/US 00/ 03227	International filing date (day/month/year) 08/02/2000	(Earliest) Priority Date (day/month/year) 08/02/1999
Applicant THE PROCTER & GAMBLE COMPANY et al.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.



the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :



contained in the international application in written form.



filed together with the international application in computer readable form.



furnished subsequently to this Authority in written form.



furnished subsequently to this Authority in computer readable form.



the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.



the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,



the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,



the text is approved as submitted by the applicant.



the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.



as suggested by the applicant.



because the applicant failed to suggest a figure.



because this figure better characterizes the invention.



None of the figures.

Box III TEXT OF THE ABSTRACT (Continuation of item 5 of the first sheet)

Liquid dishwashing detergent composition containing one or more amylase enzymes and a suds booster which exhibits excellent greasy soil removal performance and are either of a high pH of greater than about 8.

INTERNATIONAL SEARCH REPORT

International Application No

/US 00/03227

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 C11D3/386 C11D3/30

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 C11D

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 98 28393 A (PROCTER & GAMBLE) 2 July 1998 (1998-07-02) cited in the application page 36 -page 37; claims; examples 1,2 ---	1-9
X	WO 97 32961 A (PROCTER & GAMBLE) 12 September 1997 (1997-09-12) page 51; examples 15-16,8 ---	1-3,6,8, 9
X	WO 99 01531 A (PROCTER & GAMBLE) 14 January 1999 (1999-01-14) page 50; examples 4,6 ---	1-3,6,8, 9
P,X	WO 99 27054 A (PROCTER & GAMBLE) 3 June 1999 (1999-06-03) page 38; claims; tables II,IV,V -----	1-9



Further documents are listed in the continuation of box C.



Patent family members are listed in annex.

* Special categories of cited documents :

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

8 June 2000

Date of mailing of the international search report

19/06/2000

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Pfannenstein, H

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

/US 00/03227

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 9828393	A	02-07-1998	US 5990065 A	23-11-1999
			AU 5379598 A	17-07-1998
			EP 0946703 A	06-10-1999
			PL 334376 A	28-02-2000
WO 9732961	A	12-09-1997	BR 9707951 A	27-07-1999
			CA 2247501 A	12-09-1997
			CN 1217742 A	26-05-1999
			EP 0885285 A	23-12-1998
WO 9901531	A	14-01-1999	AU 3719297 A	25-01-1999
			EP 0994936 A	26-04-2000
WO 9927054	A	03-06-1999	NONE	